

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.239 of 2015

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ORDER :

This Transfer Criminal Petition is filed by the Petitioner under Section 407 Cr.P.C seeking to withdraw and transfer M.C. No.14 of 2013 from the file of Judicial Magistrate of the First Class, Rajam, Srikakulam District and to transfer the same to the Court of Judicial magistrate of the First Class, Eluru, West Godavari District.

2) Heard the learned counsel for the petitioner, who is petitioner in M.C. No.14 of 2013 and also the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record.

3) There is no proof filed by the petitioner to say that there is an alleged attack for which a police complaint is also given, in seeking the same as a ground for transfer of maintenance case filed by her in Srikakulam Court, to a Court at West Godavari in claiming that presently she shifted her residence to that of her brother at West Godavari. So far as C.C. No.493 of 2013 concerned, it is an incident long prior to that alleged attack now complained of. Needless to say even the respondent in M.C. under Section 126 Cr.P.C can represent through advocate for dispensing personal appearance. Here the petitioner is admittedly appearing through advocate in her maintenance case leave apart from the other two cases, where she is a defacto-complainant as she is expresses her difficulty to appear before the Court all the way from her brother's house at West Godavari district to the seat of the Court at Srikakulam District. By virtue of this order, the learned Magistrate may permit the petitioner herein to appear through her advocate on record by dispensing with her personal appearance, but for on her volition to attend to the Courts and in the course of giving evidence. Needless to say she is

entitled to approach local police for her protection whenever required for attending the Court on the date of adjournment.

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

Dr. B. SIVA SANKARA RAO, J

Dt.12th October, 2015

KSH