

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

Tr.CRIMINAL PETITION No.210 of 2015

ORDER :

The present transfer criminal petition is filed by the petitioners under Section 407 Cr.P.C seeking to withdraw Crl.A.No.9 of 2011 on the file of the District Sessions Judge, Warangal and transfer to the file of Additional District and Sessions Judge, Jangaon.

2) Heard the learned counsel for the petitioners as well as the 1st respondent-State represented by the Public Prosecutor before admission and before ordering notice to the 2nd respondent and perused the material on record.

3) The Criminal Appeal No.9 of 2011 on the file of District and Sessions Judge, Warangal, which is outcome of the report of the 2nd respondent/defacto-complainant that was registered as crime and after investigation and filed final report for the offences punishable under Section 324 read with 34 I.P.C by the learned Magistrate and after hearing on charges, put to trial and on contest, case ended in acquittal against the accused and the defacto-complainant against the acquittal judgment in C.C. No.203 of 2008 on the file of Additional Judicial Magistrate of the First Class, Jangaon preferred the subject appeal.

4) It is the submission of the learned counsel for the

petitioners that as on the date of the criminal appeal numbered and taken on file at Warangal which got jurisdiction and even now, but for to say the Additional District Judge's Court, Jangaon is established and the learned Sessions Judge within the administrative power could have been transferred the same.

5) In fact, in the course of hearing, the learned counsel for the petitioner concedes that they are not pressing practically for transfer, but for early disposal. It is also submitted that as one of the respondent No.3 (accused No.3) is in abscondence in the appeal and warrants are pending for not even put forth his appearance, the case is prolonging. Thus, considering the above, it is just to direct the learned Sessions Judge to split up the case Crl.A.No.9 of 2011, so far as the 3rd respondent concerned and dispose of the case so far as other parties appearing on merits and if any complicated question of law, if necessary by appointing a legal aid counsel for any absence or timely non-representation.

6) Accordingly, this transfer criminal petition is disposed of by directing the learned Sessions Judge, if necessary by split up the case so far as the 3rd respondent to the appeal concerned and dispose of the appeal against remaining respondents after hearing and even the parties or advocates for any of these parties failed to appear on the date being fixed, to decide on

merits and if any complicated question of law involved by appointing a legal aid counsel as per the expression of the Apex Court **Bani Singh V. State of U.P.**^[1], preferably within two months from the date of receipt of this order.

7) 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

09.09.2015
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^[1] AIR 1996 SC 2439