

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

Transfer Criminal Petition No. 124 of 2011

Order:

This Transfer Criminal Petition is filed seeking to transfer STC No.35 of 2008 from the file of the II Additional Judicial Magistrate of First Class, Kadapa, to the Court of the Judicial Magistrate of First Class, Hyderabad, on the ground that on the dates when the petitioner/accused visited the Court at Kadapa he was threatened with dire consequences by the second respondent-complainant and his henchmen.

The case arose out of two cheques said to have been issued by the petitioner/accused in November 2007. Those cheques were dishonoured. The petitioner/accused is a resident of Hyderabad and he is said to be aged about 70 years. The second respondent-complainant is a permanent resident of Kadapa and he is said to be aged about 51 years. The apprehension of the petitioner/accused is that there is threat to his life in the hands of the second respondent-complainant and his men and that earlier when he went to attend the Court at Kadapa the second respondent-complainant and his henchmen threatened him with dire consequences and manhandled him and, therefore, he was compelled to file a complaint before the police on 19.04.2011.

Having heard both sides elaborately, in order to safeguard the interest of both the parties, it is felt desirable to transfer the case in STC No.35 of 2008, which is pending on the file of the II Additional Judicial Magistrate of First Class, Kadapa, for the last seven (7) years, to a competent Court at Kurnool, which will be convenient for both the parties.

Accordingly, the Transfer Criminal Petition is allowed and the case in STC No.35 of 2008 is withdrawn from the Court of the II Additional Judicial Magistrate of First Class, Kadapa, and transferred to the Court of the Principal Senior Civil Judge, Kurnool, with a direction to the Principal Senior Civil Judge, Kurnool, that depending

upon the pendency of the cases, he can transfer the said case to any other competent Court at Kurnool, but subject to condition that to whichever Court the said case is transferred the case should be disposed of in accordance with law within a period of four (4) months from the date of said transfer.

As a sequel thereto, the miscellaneous petitions, if any, pending in the Transfer Criminal Petition shall stand closed.

M.S.K. JAISWAL, J.

Date: 18.06.2015

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