

THE HONOURABLE SRI JUSTICE RAJA ELANGO
TRANSFER CRIMINAL PETITION No.99 OF 2016

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ORDER:

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This Transfer Criminal Petition is filed under Section 407 of Code of Criminal Procedure (Cr.P.C.) to transfer M.C.No.35 of 2015 on the file of the Additional Judicial First Class Magistrate at Machilipatnam, to the Court of the XV Additional District Judge-cum-II Additional Family Court, Ranga Reddy at Miyapur.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner filed HMOP on the file of the XV Additional District Judge-cum-II Additional Family Court, Ranga Reddy at Miyapur and that the first respondent entered appearance through her advocate. Thereafter, the first respondent filed M.C.No.35 of 2015 on the file of the Additional Judicial First Class Magistrate at Machilipatnam, only to harass the petitioner and further, Machilipatnam is 400 Kilometres away from Hyderabad, and as such, prays this Court to transfer M.C. to Hyderabad.

This Court is not inclined to transfer the above M.C., to any Court. However, as the case is arising out of matrimonial disputes, the question of identity of the petitioner does not arise and as such, the presence of the petitioner before the trial Court is dispensed with except on the dates when the trial Court insists for his appearance. The petitioner is directed to be represented by his counsel before the Court below on all hearing dates.

The Transfer Criminal Petition is accordingly dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

01.04.2016

pln

