

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Transfer Criminal Petition No.136 of 2013

ORDER:

In this petition filed under Section 407 Cr.P.C., the petitioner/ *defacto* complainant seeks to transfer C.C.No.118 of 2013 from the file of Special Judicial Magistrate of First Class for Prohibition and Excise, Kurnool to any Court at Proddatur, Kadapa District.

2) The petitioner's case is that the 1st respondent is her husband and when he harassed her both physically and mentally she lodged FIR in Crime No.34 of 2012 with Kurnool Mahila P.S for the offences under Sec.498-A and Sec.3 & 4 of Dowry Prohibition Act and after investigation the police filed charge sheet against the accused.

a) Her further case is that when the matter stood thus, on 09.06.2012 at about 4:25 pm, while she was returning from Hyderabad to Nandyal, the 1st respondent stopped her car near G.Pulla Reddy Engineering college, Kurnool and beat her with a stick on her right hand and caused injuries and threatened her parents with dire consequences if she does not withdraw the case pending in Mahila P.S, Kurnool. The petitioner lodged a complaint with Kurnool Taluk P.S and a case in Crime No.142 of 2012 was registered against the accused for offences punishable under Sec.341, 326 and 506 IPC and after investigation charge sheet was filed and case

was registered as C.C.No.118 of 2013 and pending on the file of Special Judicial Magistrate of First Class for Prohibition and Excise, Kurnool.

Hence the instant petition is filed by petitioner seeking transfer of C.C.No.118 of 2013.

3) Heard arguments of Sri V. Nitesh, learned counsel for petitioner; Sri K. Rathangapani Reddy, learned counsel for 1st respondent and learned Public Prosecutor for the State (AP).

4) Learned counsel for petitioner submits that if the C.C No.118 of 2013 is conducted at Kurnool, there is no security for petitioner and therefore, the case may be transferred to Proddatur.

5) Learned counsel for 1st respondent denied the petition allegations and submitted that if the case is transferred, it will cause much inconvenience to the respondent and also witnesses.

6) It is seen that the main case under Sec.498-A IPC is pending at Kurnool and the petitioner has to attend the Court at Kurnool in that case. It appears the petitioner has not filed any transfer application for transferring the said case. In that view of the matter, there is no point in transferring C.C.No.118 of 2013 alone. Further, the transfer of the case would cause inconvenience to the witnesses and also accused. In my view, the petitioner can seek protection from the trial court while attending the Court in C.C.No.118 of 2013. So the

petitioner is directed to move an appropriate application in C.C.No.118 of 2013 seeking protection, in which case, the trial Court shall pass suitable orders concerning to her safety and security for attending the Court.

7) With the above observation, this Transfer Criminal Petition is dismissed.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 02.06.2016

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